

# Notice of Allowability

Application No.

10/708,304

Examiner

Eric M. Blount

Applicant(s)

GROLD ET AL.

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 11/28/2007.
2. ☒ The allowed claim(s) is/are 4,5,27 and 28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Micheal Eddy on December 10, 2007. The application has been amended as follows:

- In the Specification, paragraph 0009, line 7; please insert “, equal to,” between the words “above” and “or”.
- In claim 4, line 1, please insert “for warning of excessive impact on a user to prevent injuries” between the words “apparatus” and “comprising”.
- In claim 4, line 22; please insert “indicative of excessive impact” between the words “signal” and “in”.
- In claim 4, line 27; please replace the text “equal to” with the text “based on”.
- Please amend claim 5 as follows:
  - Claim 5 A body force alarming apparatus of claim 4, wherein said microcontroller, once activated by a user with a switch, performs the steps of:  
~~recording one or more amounts of impact for a predetermined period of time;~~  
~~averaging said amounts of impact recorded over said period of time; and setting~~  
~~said controller's feedback threshold to an amount above or below the average~~  
~~value~~ setting the controller's feedback threshold to an amount above, equal to, or  
below the average value.

- In claim 27, line 1, please insert “for warning of excessive impact on a user to prevent injuries” immediately after the word “method”.
- In claim 27, line 9; please insert “indicative of excessive impact” between the words “signal” and “with”.
- In claim 27, line 28; please replace the text “equal to” with the text “based on”.
- Please amend claim 28 as follows:
  - Claim 28 A body force alarming apparatus of claim 27, wherein said microcontroller, once activated by a user with a switch, performs the steps of:  
~~recording one or more amounts of impact for a predetermined period of time;~~  
~~averaging said amounts of impact recorded over said period of time; and setting~~  
~~said controller's feedback threshold to an amount above or below the average~~  
~~value~~ setting the controller's feedback threshold to an amount above, equal to, or below the average value.

2. The following is an examiner's statement of reasons for allowance: The prior art of record fails to describe or suggest a method and apparatus for warning of excessive impact on a user to prevent injuries, wherein a controller is set to generate a signal to an output generator when a threshold level of force is received from a piezo sensor and the controller signals the output generator to generate a perceivable signal indicative of excessive impact in response to threshold levels of force being reached. A separate microcontroller housed within the housing, once activated by a user with a switch performs the steps of recording one or more amounts of impact for a predetermined period of time; averaging said amounts of impact over said period of

time; and setting the controller's feedback threshold to an amount based on the average value.

These, along with further limitations present in the claims, render the application allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on Monday-Thursday 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 2612

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**BENJAMIN C. LEE**  
**PRIMARY EXAMINER**